

MEETINGS TO DATE 13
NO. OF REGULARS 9
NO. OF SPECIALS 4

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LANCASTER, NEW YORK
May 4, 1998

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 4th day of May 1998 at 8:00 P.M. and there were

PRESENT: DONALD KWAK, COUNCIL MEMBER
JOHN MILLER, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: ROBERT THILL, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
ROBERT LANEY, BUILDING INSPECTOR
THOMAS FOWLER, CHIEF OF POLICE
CHRISTINE FUSCO, ASSESSOR
RICHARD REESE JR., HIGHWAY SUPERINTENDENT

PERSONS ADDRESSING TOWN BOARD:

Brett, James, 659 Harris Hill Road, spoke to the Town Board on the following matter:

- Informed the Supervisor that he never told anyone that he intended to "Yank the Supervisor's chain at the next Town Board meeting".

Buehler, Daniel, 26 Tyler Street, spoke to the Town Board on the Following matter:

- Apologized to the Supervisor for certain comments made at the last Town Board meeting relative to minutes of the Master Plan Committee.

Gull, Henry, 710 Pavement Road, spoke to the Town Board on the following matter:

- Expressed concerns about freedom of speech tyranny in local government.

Schneggenburger, Roy, 87 Stony Road, spoke to the Town Board on the following matter:

- Expressed concerns about enforcement of the conditions of the Rothchild dumping permit on the west side of Bowen Road south of Broadway.

Stanko, John, 10 Pleasant View Drive, spoke to the Town Board on the following matters:

- Complained of uncompleted restoration work on his driveway approach by the water line contractor.
- Complained of uncompleted sidewalk restoration on Transit Road in front of Hollywood Video.

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon the proposed rezone petition of Tom Ferry and Mark Dean, c/o DeanSutton Architects, for property situate on the north side of William Street, west of Aurora Street, for the rezone of said property from a R1-Residential District One, to a NB-Neighborhood Business District

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPONENTS

ADDRESS

Tom Ferry, the petitioner
Mark Dean, the petitioner

OPPONENTS

ADDRESS

Robert Davidzik
Ken Pezdek
Cheryl Drechsel
Roy Schneggenburger

4909 William Street
491 William Street
82 Williamsburg Lane
87 Stony Road

COMMENTS & QUESTIONS

ADDRESS

Art Rego
Jim Brett
Donald Symer
David Kral

37 Hemlock Lane
659 Harris Hill Road
610 Columbia Avenue
469 Aurora Street

ON MOTION BY COUNCIL MEMBER MILLER, AND SECONDED BY COUNCIL MEMBER STEMPNIAK AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 9:45 P.M

The Supervisor informed those present that the Town Board would reserve decision on this matter.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

RESOLVED, that the minutes from the Regular Meeting of the Town Board
held on April 20, 1998 be and hereby are approved.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 4, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA , WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MILLER , TO WIT:

WHEREAS, the Tax Receiver of the Town of Lancaster has requested the Town Board to extend the time for collecting unpaid 1998 taxes to August 14, 1998 to allow taxpayers to pay their taxes in Lancaster rather than traveling to Buffalo, and

WHEREAS, the enabling legislation to permit such an extension is set forth in Article VI, Section 6-14.0 of the Laws of 1942, and

WHEREAS, the Town Board has given due review and consideration to this request.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes
• the extension of the warrant to collect the unpaid 1998 taxes to August 14, 1998.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 4, 1998

File: rtxwmt

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER KWAK, TO WIT:

WHEREAS, Section 4-104(5) of the Election Law of the State of New York provides for consolidation of election districts located within the same polling place in Primary Elections if the candidates of each district are the same on each voting machine and the consolidation results in less than 1200 voters in a consolidated polling place, and

WHEREAS, the Town Clerk has informed the Town Board that he wishes to take advantage of Section 4-104(5) of the Election Law to save taxpayers \$8,032.00 in inspector payroll costs and over \$1,000. in voting machine delivery costs, and

WHEREAS, the Town Clerk has assured the Town Board that no voter will be inconvenienced by the consolidation since only districts located within the same polling place will be consolidated.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk of the Town of Lancaster be and is hereby authorized to petition the Erie County Board of Elections for permission to consolidate election districts within the Town of Lancaster for the September 15, 1998 Fall Primary pursuant to the provision of Section 4-104(5) of the Election Law of the State of New York, and

BE IT FURTHER

RESOLVED, that the Town Clerk be and is hereby authorized to take any further action necessary to effect the purpose and interest of this consolidation resolution

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 4, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MILLER, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster deems it in the public
interest to make certain amendments to the Town Ordinance entitled, VEHICLE AND
TRAFFIC ORDINANCE OF THE TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF
NEW YORK, designated as Chapter 46 of the Code of the Town of Lancaster;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 130 of the Town Law of the State of New
York, a public hearing on a proposed amendment to the §46-8 of the Vehicle & Traffic
Ordinance, Chapter 46 of the Code of the Town of Lancaster, County of Erie and State of New
York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 18th day
of May, 1998, at 8:30 o'clock P.M., Local Time, and that Notice of the Time and Place of such
hearing be published on or before May 7, 1998, in the Lancaster Bee, the Official Newspaper,
being a newspaper of general circulation in said Town, and be posted on the Town Bulletin
Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 4, 1998

**LEGAL NOTICE
PUBLIC HEARING
PUBLIC HEARING**

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 4th day of May, 1998, the said Town Board will hold a Public Hearing on the 18th day of May, 1998, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all persons upon the following amendment to §46-8 of the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of said Town:

CHAPTER 46

ARTICLE VIII - Stop and Yield Intersections

§46-8, Stop Intersections designated, is hereby amended by adding thereto::

<u>STREET NAME</u>	<u>INTERSECTING STREET</u>	<u>SIGN LOCATION</u>
Countryview Way	Pheasant Run Lane	N/E Corner
Enchanted Forest North	Harewood Court	S/W Corner
Enchanted Forest North	Stream View Lane	N/E Corner
Enchanted Forest North	Thomas Drive	S/W Corner
Enchanted Forest North	Thomas Drive	N/E Corner

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

BY: ROBERT P. THILL
Town Clerk

May 4, 1998,

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MILLER, TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, the Town Board of the Town of Lancaster has heretofore adopted by resolution Local Law No. 2 of the Year 1998, to provide for exemption from taxation for qualifying eligible disabled property owners pursuant to Real Property Tax Law (RPTL) 459-c, and

WHEREAS, it has come to the attention to the Town that the schedule in the body of the Local Law contained an error and was not consistent with the percentage exemption accorded under §459-c, and

WHEREAS, the Town Board desires to make the Exemption Schedule consistent under §459-c, and

WHEREAS, after review and consideration, the Town Board deems it in the public interest to repeal, in its entirety, Local Law No. 2 of the Year 1998, entitled "**Real Property Tax Law Exemption for Disabled**", and designated as **Article IV of Chapter 40, Taxation**, of the Code of the Town of Lancaster, and enact in place thereof Local Law No. 3 of the Year 1998, entitled "**Real Property Tax Law Exemption for Disabled**" and designated as **Article IV of Chapter 40, Taxation**, of the Code of the Town of Lancaster, which reads as follows:

TAXATION

CHAPTER 40

ARTICLE IV

REAL PROPERTY TAX LAW EXEMPTION FOR DISABLED

Proposed

LOCAL LAW NO. __

**Of the Year
1998**

A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF LANCASTER BY THE REPEAL OF ARTICLE IV OF CHAPTER 40, TAXATION (LOCAL LAW NO. 2 OF THE YEAR 1998) AND ENACTING IN PLACE THEREOF A NEW ARTICLE IV, REAL PROPERTY TAX LAW EXEMPTION FOR DISABLED AS IT RELATES TO REAL PROPERTY TAX LAW §459-c, WHICH ARTICLE GRANTS A PARTIAL EXEMPTION FROM REAL PROPERTY TAXATION TO PERSONS WITH DISABILITIES WHO HAVE LIMITED INCOMES, AND SHALL BE ENTITLED, "REAL PROPERTY TAX LAW EXEMPTION FOR DISABLED", AND DESIGNATED AS ARTICLE IV OF CHAPTER 40, TAXATION, OF THE CODE OF THE TOWN OF LANCASTER, COUNTY OF ERIE, NEW YORK.

BE IT ENACTED, by the Town Board of the Town of Lancaster, as follows:

- Section 1.** Local Law No. 2 of the Year 1998, entitled "Real Property Tax Law Exemption for Disabled, designated as Article IV of Chapter 40, Taxation, of the Code of the Town of Lancaster, be and is hereby repealed.
- Section 2.** The Code of the Town of Lancaster is hereby amended by adding thereto Local Law No. 3, entitled "Real Property Tax Law Exemption for Disabled, designated as Article IV of Chapter 40, Taxation, of the Code of the Town of Lancaster, which reads as follows:

**ARTICLE IV - REAL PROPERTY TAX LAW EXEMPTION FOR DISABLED
As it Relates to Real Property Tax Law §459-c**

- §40-16. Purpose**
- §40-17. Exemption Schedule**
- §40-18. Definitions**
- §40-19. Computed Exemption**
- §40-20. No Exemption Granted**
- §40-21. Application for Exemption**
- §40-22. Notification by Assessor**
- §40-23. Real Property Held in Trust**
- §40-24. Effective Date**

§40-16. Purpose.

To afford a partial exemption from taxation to qualifying eligible persons with disabilities and who have limited incomes in the Town of Lancaster.

§40-17. Exemption Schedule.

Real property owned by one or more persons with disabilities, or real property owned by a husband, wife, or both, or by siblings, at least one of whom has a disability, and whose income, as hereafter defined, is limited by reason of such disability, shall be exempt from taxation by the Town of Lancaster as provided in the following schedule:

<u>ANNUAL INCOME</u>	<u>PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION</u>
Not More than \$18,500	50 per centum
More than \$18,500. But Less than \$19,500.00	45 per centum
More than 19,500. But Less than 20, 500.	40 per centum
More than \$20,500. But Less than \$21,500.00	35 per centum
More than \$21,500. But Less than \$22,400.00	30 per centum
More than \$22,400. But Less than \$23,300.00	25 per centum
More than \$23,300. But Less than \$24,200.00	20 per centum
More than \$24,200. But Less than \$25,100.00	15 per centum
More than \$25,100. But Less than \$26,000.00	10 per centum
More than \$26,000. But Less than \$26,900.00	5 per centum

§40-18. Definitions.

For purposes of this Section:

- A. "Sibling" shall mean a brother or sister, whether related through half blood, whole blood or adoption;
- B. "Person with a Disability" is one who has a physical or mental impairment, not due to current use of alcohol or illegal drug use, which substantially limits such person's ability to engage in one or more major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working, and who:
 - (i) Is certified to receive social security disability insurance (SSDI) or supplemental security income (SSI) benefits under the federal Social Security Act, or
 - (ii) Is certified to receive Railroad Retirement Disability benefits under the Federal Railroad Retirement Act, or

- (iii) Has received a certificate from the state commission for the blind and visually handicapped stating that such person is legally blind.

An award letter from the Social Security Administration or the Railroad Retirement Board or a certificate from the state commission for the blind and visually handicapped shall be submitted as proof of disability.

§40-19. Computed Exemption.

Any exemption provided by this section shall be computed after all other partial exemptions allowed by law have been subtracted from the total amount assessed; provided, however, that no parcel may receive an exemption for the same municipal tax purposes pursuant to both §459-c and §467 RPTL.

§40-20. No Exemption Granted.

No exemption shall be granted:

- A. If the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of Eighteen Thousand Five Hundred (\$18,500) dollars, adopted pursuant to §459-c RPTL. Income tax year shall mean the twelve month period for which the owner or owners filed a federal personal income tax return, or if no such return is filed, the calendar year.

Where title is vested in either the husband or the wife, their combined income may not exceed such sum, except where the husband or wife, or ex-husband or ex-wife is absent from the property due to divorce, legal separation or abandonment, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum.

Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts, inheritances or monies earned through employment in the federal foster grandparent program and any such income shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance, if the Town Board, after a public hearing, adopts a local law, ordinance or resolution providing therefore.

In computing net rental income and net income from self-employment no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income;

- B. Unless the property is used exclusively for residential purposes, provided, however, that in the event any portion of such property is not so used exclusively for residential purposes but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by §459-c RPTL
- C. Unless the real property is the legal residence of and is occupied in whole or in part by the disabled person; except where the disabled person is absent from the residence while receiving health-related care as an inpatient of a residential health care facility, as defined in §2801 of the Public Health Law, provided that any income accruing to that person shall be considered income for purposes of this section only to the extent that it exceeds the amount paid by such person or spouse or sibling of such person for care in the facility.

§40-21. Application for Exemption.

Application for such exemption must be made annually by the owner, or all of the owners of the property on forms prescribed by the state board, and shall be filed in such Assessor's office on or before the appropriate taxable status date; provided, however, proof of permanent disability need be submitted only in the year exemption, pursuant to §459-c RPTL, is first sought or the disability is first determined to be permanent.

§40-22. Notification by Assessor.

At least sixty (60) days prior to the appropriate taxable status date, the assessor shall mail to each person who was granted exemption pursuant to §459-c RPTL on the latest completed assessment roll, an application form and a Notice that such application must be filed on or before taxable status date and be approved in order for the exemption to continue to be granted. Failure to mail such application form or the failure of such person to receive the same shall not prevent the levy, collection and enforcement of the payment of the taxes on property owned by such person.

§40-23. Real Property Held in Trust.

Notwithstanding any other provision of law to the contrary, the provisions of this section shall apply to real property held in trust solely for the benefit of a person or persons who would otherwise be eligible for a real property tax exemption, pursuant to §459-c (1) RPTL, were such person or persons the owner or owners of such real property.

§40-24. When Effective.

This Local Law shall take effect upon mailing, filing and publication as required by Law.

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That pursuant to the Municipal Home Rule Law of the State of New York, and Chapter 26 of the Code of the Town of Lancaster, a Public Hearing on the repeal of Article IV of Chapter 40, Taxation (Local Law No. 2 of the Year 1998) and enacting in place thereof a new Local Law No. 3 of the Year 1998, entitled: "Real Property Tax Law Exemption for Disabled" , and designated as Article IV, Taxation, of the said Code, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:45 o'clock P.M., Local Time, on the 18th day of May, 1998, and that Notice of the Time and Place of such Hearing shall be published on May 7, 1998, in the Lancaster Bee, being a newspaper of general circulation in said Town, which Notice shall be in the form attached hereto and made a part hereof, and

2, That the Town Clerk is hereby directed to make copies of the proposed Local Law No. 3 for the Year 1998, entitled "Real Property Tax Law Exemption for Disabled" for inspection by and distribution to any person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 4, 1998

File: rloc1wh3.598

**PUBLIC HEARING
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted May 4, 1998, the said Town Board will hold a Public Hearing on the 18th day of May, 1998, at 8:45 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon a proposed Local Law of the Year 1998, entitled "Real Property Tax Law Exemption for Disabled, as it Relates to §459-c RPTL" and designated as Article IV of Chapter 40, Taxation of the Code of the said Town, briefly described as follows:

"A Local Law repealing Local Law No. 2 of the Code of the Town of Lancaster and enacting in place thereof Local Law No. 3 of the Town of Lancaster, entitled "Real Property Tax Law Exemption for Disabled", which Article affords partial exemption from taxation to qualifying eligible persons with disabilities and who have limited incomes in the Town of Lancaster."

A complete copy of this proposed Local Law No. 3 of the Year 1998, entitled "Real Property Tax Law Exemption for Disabled" as it Relates to §459-c RPTL" and further designated as Article IV of Chapter 40, Taxation, of the Code of the Town of Lancaster, is available at the office of the Town Clerk for inspection and distribution to any person during business hours.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**By: ROBERT P. THILL
Town Clerk**

May 4, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER KWAK, TO WIT:

WHEREAS, a Public Hearing was held on the 20th day of April, 1998, on the Petition of Hamister Development Co., Inc., 651 Delaware Avenue, Buffalo, New York 14202, for the rezone of certain property located on the south side of William Street, east of Transit Road, in the Town of Lancaster, New York, from an MFR-3 - Multi-family District 3 to RCO-Residential-Commercial-Office District, and an R1-Residential District One, to an RCO-Residential-Commercial-Office District, and

WHEREAS, a Notice of said Public Hearing has been duly published and posted, and

WHEREAS, in accordance with Section 239(m) of the General Municipal Law of the State of New York, the Erie County Department of Planning has reviewed such application for rezone and has no objection with respect thereto;

WHEREAS, a SEQR review was held on this project on April 20, 1998, and a Negative Declaration was issued at that time;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Zoning Ordinance and Zoning Map of the Town of Lancaster is hereby amended and changed so that the real property hereinafter described is changed from an MFR-3 - Multi-family District 3 and an R-1 Residential District One, to an RCO-Residential-Commercial District One:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. 95, Township 10 Range 6 of the Buffalo Creek Reservation, bounded and described as follows:

BEGINNING at a point on the northerly line of Lot 95, being the center line of William Street, at a distance of 1613.54 feet east of the northwest corner of Lot 95 further described as being the centerline of Transit Road;

THENCE easterly along said northerly line of Lot 95 and the centerline of William Street, a distance of 4978.76 feet to a point, said point being the northwest corner of lands conveyed by H. Mueller by Liber 10291, Page 540;

THENCE southerly along the west line of proposed right of way (paper street) and parallel to the west line of Lot 95 which is also the center line of Transit Road, a distance of 1021.53 feet to a point;

THENCE westerly and parallel to the south line of Lot 95 a distance of 497.90 feet to a point, said point being the east line of Eastwood Village South;

THENCE northerly and parallel to the west line of Lot 95 and along the easterly line of said Eastwood Village, a distance of 1025.83 feet to the point of beginning, containing 11.7 acres, more or less, and subject to all easements, restrictions, and rights of way of record.

2. That said Ordinance Amendment be added in the minutes of the Town Board of the Town of Lancaster held on the 4th day of May, 1998.

3. That a certified copy thereof be published in the Lancaster Bee on or before the 7th day of May, 1998.

4. That Affidavits of Publication be filed with the Town Clerk; and

5. That a certified copy of this resolution be furnished to the Erie County Department of Planning.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 4, 1998

LEGAL NOTICE
NOTICE OF ADOPTION OF AMENDMENT
ZONING ORDINANCE, TOWN OF LANCASTER
HAMISTER DEVELOPMENT, INC.

LEGAL NOTICE IS HEREBY GIVEN that the Zoning Ordinance of the Town of Lancaster is hereby amended and the Zoning Map of the said Town is hereby changed so that the real property hereinafter described is changed from an MFR-3 - Multi-family District 3 and an R1-Residential District 1 to an RCO-Residential-Commercial-Office District:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. 95, Township 10 Range 6 of the Buffalo Creek Reservation, bounded and described as follows:

BEGINNING at a point on the northerly line of Lot 95, being the center line of William Street, at a distance of 1613.54 feet east of the northwest corner of Lot 95 further described as being the centerline of Transit Road;

THENCE easterly along said northerly line of Lot 95 and the centerline of William Street, a distance of 497.76 feet to a point, said point being the northwest corner of lands conveyed by H. Mueller by Liber 10291, Page 540;

THENCE southerly along the west line of proposed right of way (paper street) and parallel to the west line of Lot 95 which is also the center line of Transit Road, a distance of 1021.53 feet to a point;

THENCE westerly and parallel to the south line of Lot 95 a distance of 497.90 feet to a point, said point being the east line of Eastwood Village South;

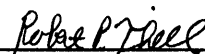
THENCE northerly and parallel to the west line of Lot 95 and along the easterly line of said Eastwood Village, a distance of 1025.83 feet to the point of beginning, containing 11.7 acres, more or less, and subject to all easements, restrictions, and rights of way of record.

May 4, 1998

**STATE OF NEW YORK :
COUNTY OF ERIE : ss:
TOWN OF LANCASTER :**

This is to certify that **I, ROBERT P. THILL**, Town Clerk and Registrar of Vital Statistics of the **TOWN OF LANCASTER** in said County of Erie, have compared the foregoing copy of a Rezone with the original thereof filed in my office at Lancaster, New York, on the 4th day of May, 1998, and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 4th day of May, 1998.



Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
MILLER, TO WIT:

WHEREAS, the Executive Director of the Youth Bureau, by letter dated
April 30, 1998, has recommended the appointment of **Lynn M. Piersa** to the position of Tutor
with the Youth Bureau of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that Lynn M. Piersa, 148 Seneca Place, Lancaster, New York, be
and is hereby appointed to the position of Tutor with the Town of Lancaster Youth Bureau,
retroactive to April 27, 1998 at an hourly salary of \$9.00, and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the
necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 4, 1998

File: RTUTOR (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MILLER, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER KWAK, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has previously
advertised for bids for furnishing to the Town One (1) Portable Alternative Light Source for use
by the Lancaster Town Police Department, and

WHEREAS, said bids were opened on April 17, 1998, and

WHEREAS, Payton Scientific Inc., has submitted the lowest bid in
conformance with the specifications for One (1) Portable Alternative Light Source, in the
amount of \$13,718.00;

NOW, THEREFORE, BE IT

RESOLVED, that the bid of Payton Scientific Inc., 244 Delaware Avenue,
Buffalo, New York 14202, for One (1) Portable Alternative Light Source for use by the
Lancaster Town Police Department, in the amount of \$13,718.00, be and the same is hereby
accepted and that an order for such equipment is hereby authorized to be placed by the Chief of
Police.

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 4, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
KWAK TO WIT:

WHEREAS, Phyllis Greco, a Sr. Clerk Stenographer in the Supervisor's Department, by letter dated April 30, 1998, has requested permission to carry over her 66.5 hours vacation time accrued which she cannot take by her anniversary date of May 12, 1998 due to reasons cited in her letter, and

WHEREAS, the Town of Lancaster White Collar Unit of Local 815, by letter dated April 30, 1998, has indicated a willingness to concur and give their approval with the stipulation that this will be a non-precedented setting to the granting of this request,

NOW, THEREFORE, BE IT

RESOLVED, that Phyllis Greco a Sr. Clerk Stenographer in the Supervisor's Department, shall be permitted to carry over her 66.5 hours 1997 vacation time to her 1998 year of service with the Town of Lancaster, and

BE IT FURTHER

RESOLVED, that the carry over of 66.5 hours will not be eligible for buy back over and above what Phyllis Greco could otherwise sell back to the Town under the provision provided in the White Collar Contract, Article 3, Section 3.1.2.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 4, 1998

FILE: RPERS.VAC (P4)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
STEMPNIAK, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts:

Claim No. 1889 to Claim No. 2098 Inclusive

Total amount hereby authorized to be paid: \$479,779.20

The question of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 4, 1998

File: RCLAIMS

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER MILLER, TO WIT:

RESOLVED that the following Building Permit Applications be and are hereby approved and the issuance of these Building Permits be and are hereby authorized:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

NEW PERMITS:

4874	Mark Norton	71 Newberry Ln	Er. Shed
4875	Fred Catalano	24 Quail Run Ln	Er. Deck
4876	Fairfield Inn	50 Freeman Dr	Er. Shed
4877	Joseph Piniewski	6 Rollingwood Dr	Er. Shed
4878	Anthony Scime	5166 William St	Er. Fence
4879	Forbes Homes Inc	1 Pond View Ct	Er. Sin. Dwlg
4880	Richard Downey	21 Michael's Wlk	Er. Shed
4881	Michael Saffire	5261 William St	Er. Pool
4882	Vincent Giamberdino	65 Remwood Ave	Er. Fence
4883	Frank Sansone	34 Fox Hunt Rd	Er. Deck
4884	Selective Home Design Group In	9 Devonshire Ln	Er. Sin. Dwlg
4885	Kevin Conroy	293 Enchanted Fst N	Er. Pool
4886	Jack Boltz	308 Enchanted Fst N	Er. Shed
4887	Majestic Pools Inc	25 Via Donato W	Er. Pool
4888	Norma Chapin	40 Bentley Cir	Er. Pool
4889	Diane Woodell	41 Woodgate Dr	Er. Deck
4890	Michael Morreale	33 Lake Fst Pkwy W	Er. Fence
4891	Capretto Homes	22 Clermont Ct	Er. Sin. Dwlg
4892	Majestic Pools Inc	36 Woodgate Dr	Er. Fence/Pool
4893	Sal Lima	408 Aurora St	Er. Barn
4894	Joseph Zaccaria	35 Running Brk Dr	Er. Deck
4895	Bill Zulatowski	5282 William St	Ex. Garage
4896	Lovejoy Bldrs	41 Sagebrush Ln	Er. Sin. Dwlg
4897	William R Trzcinski	65 Taft Ave	Er. Shed
4898	Atlantic Garages	751 Ransom Rd	Er. Garage
4899	Richard Weirstner	30 Whitestone Ln	Er. Shed
4900	Chelly Warrington	13 Matthews Dr	Er. Fence
4901	David Gierke	1276 Ransom Rd	Er. Garage
4902	William Lovelace	4 Evergreen Dr	Er. Fence
4903	Susan Alessandra	190 Stony Rd	Er. Pool
4904	Ken Jarvis	20 Schilling Ct	Er. Fence

4905	Michael Freier	12 Butler Dr	Er. Deck
4906	American Self Defense	3578 Walden Ave	Er. Sign
4907	Kevin Conroy	293 Enchanted Fst N	Er. Shed
4908	Donald Heater	417 Schwartz Rd	Er. Addition
4909	Matthew Pericozzi	14 Stony Brook Dr	Er. Pool
4910	Donato Developers	11 Candlestick Ct	Er. Sin. Dwlg
4911	Donato Developers	18 Candlestick Ct	Er. Sin. Dwlg
4912	Donato Developers	25 Via Donato W	Ex. Sin. Dwlg
4913	Brian Shepard	43 Whitestone Ln	Er. Deck
4914	Cindy Mochol	5809 Broadway	Er. Temp Sign
4915	Russ Hugenschmidt	31 Grafton Ct	Er. Deck
4916	Northeast Diversification	2 Cadby Indus Pkwy	Ex. Storage Bldg
4917	Michael Lakowski	56 Via Donato E	Er. Deck
4918	Willett, David	3 Bentley Cir	Er. Fence
4919	Rob Border	56 Newberry Ln	Er. Pool
4920	Ryan Homes	81 Michael Anthony Ln	Er. Sin. Dwlg
4921	Ray Abramowski	503 Lake Ave	Er. Pool
4922	Ryan Homes	42 Michael Anthony Ln	Er. Sin. Dwlg
4923	Moeller Bldrs	42 Michael's Wlk	Er. Sin. Dwlg
4924	Wasyi Puhalz	10 Plumb Creek Tr	Er. Pool/Deck
4925	James Jurewicz	5091 William St	Er. Deck
4926	Greg Manikowski	7 Cobblestone Ct	Er. Shed

and,

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 4, 1998

File:Rbldg2

Supervisor Giza requested a suspension of the necessary rule for immediate consideration of the following resolution.

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
MONTGOUR TO WIT:

WHEREAS, the Town has received a proposal letter dated April 28, 1998 from Fox & Company, Certified Public Accountants, to provide assistance in preparing serial bond sale information,

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board does hereby authorize the Supervisor to countersign the Fox & Company proposal dated April 28, 1998 to provide assistance in preparing serial bond sale information, with charges for the aforementioned services not to exceed \$6,500.00.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTGOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 4, 1998

Supervisor Giza requested a suspension of the necessary rule for immediate consideration of the following resolution -
SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
STEMPNIAK, TO WIT:

WHEREAS, the Highway Superintendent of the Town of Lancaster, by letter dated May 4, 1998, has requested the purchase of a 1998 Sullivan Air Compressor (185 cfm Q5) from Admar Supply Company, Inc., 1394 Military Road, Tonawanda, New York, 14217-1318, at a cost not to exceed ten thousand dollars (\$10,000.),

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Town Board of the Town of Lancaster be and hereby authorizes the Highway Superintendent of the Town of Lancaster to purchase a 1998 Sullivan Air Compressor (185 cfm Q5) from Admar Supply Company, Inc., 1394 Military Road, Tonawanda, New York, 14217-1318, at a cost not to exceed ten thousand dollars (\$10,000.).
2. That in order to fund this unanticipated expenditure, the following budget amendment be and hereby is approved in the 1998 adopted budget of the Town of Lancaster:

Highway Fund - Town Outside Villages:	<u>Decrease</u>	<u>Increase</u>
<u>General Ledger Accounts:</u>		
DB599 Appropriated Fund Balance	10,000
DB960 Budgetary Appropriations	10,000
<u>Subsidiary Ledger Accounts - Appropriations:</u>		
DB5130.210 Machinery - Other Equipment	10,000

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 4, 1998

File: Rpurchas (P2)

Supervisor Giza requested a suspension of the necessary rule for immediate consideration of the following resolution:

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
STEMPNIAK, TO WIT:

WHEREAS, the Lancaster Lions Club has made an offer to the Town of Lancaster to cause the construction of a shelter facility at the Senior Citizens Center, and

WHEREAS, the Town Board, after due review and consideration deems it in the public interest to accept the gift offer as aforesaid from the beforementioned Lancaster Lions Club as it will benefit the Town and those persons using the senior facility, at no cost to the Town;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Town Board of the Town of Lancaster hereby approves and accepts the offer made by the Lancaster Lions Club to construct a shelter facility at the Lancaster Senior Citizens Center at no cost to the Town, subject to the condition that the contractor employed by the Lancaster Lions Club name the Town as additional insured on its comprehensive general liability and also provide evidence of Workers' Compensation, and
2. That the Town hereby waives the building permit fee since this is a gift made to the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 4, 1998

File: rlmsclb

COMMUNICATIONS:

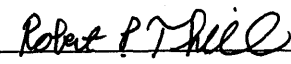
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283. Supervisor to Police Chief -
Advisement of Council Member Kwak serving as Deputy Supervisor during his vacation time of 4/22-5/2/98. DISPOSITION = Received and Filed
284. Building Inspector to Brian Fahey -
Directive re: sign on property situate on Peppermint Rd. DISPOSITION = Planning Committee
285. Town Line VFD to Town Board -
Invitation to attend "Community" Memorial Day Service to be held 5/25/98 at Town Line Lutheran Church. DISPOSITION = Received and Filed
286. CSEA White Collar Unit Pres. to Town Board -
Notice of concurrence, on a non-precedented setting, for Louis Cacciotti's request for carry over of vacation time. DISPOSITION = Received and Filed
287. Council Member Montour to Supervisor and Dir. of Finance -
Comments re: "Get Real" Program which is being held on 5/5/98. DISPOSITION = Received and Filed
288. Receiver of Taxes to Town Board -
Request be made to the Erie County Dir. of Budget, Management & Finance for extension of time to collect unpaid 1998 taxes until 8/14/98. DISPOSITION = Received and Filed
289. Jiffy-Tite to Gov. Pataki -
Comments and expression of appreciation for IDA bonding with invitation to attend an open house on 5/30/98. DISPOSITION = Received and Filed
290. Depew Joint Veterans Committee to Town Board -
Invitation to attend Memorial Day services on 5/25/98. DISPOSITION = Received and Filed
291. Town Engineer to Gary Hanford, 434 Schwartz Rd. -
Clarification of opinion re: cleaning of pipe. DISPOSITION = Supervisor
292. NYS Real Property Services to Supervisor -
Transmittal of Certificate of Final Special Franchise Assessments re: various utility companies. DISPOSITION = Received and Filed
293. USDA to Supervisor -
Transmittal of material and data re: farmland protection. DISPOSITION = Received and Filed
294. Town Attorney to Mark Dudziak, Sr -
Reply to letter re: Request to purchase property on his west lot line. DISPOSITION = Town Attorney and Supervisor
295. Town Attorney to Council Member Montour -
Reply to letter Re: Legal prohibitions to intermunicipal agreements. DISPOSITION = Received and Filed
296. Town Attorney to John P. Krueger -
Reply to questions about title of certain property. DISPOSITION = Town Attorney
297. Town Clerk to Zoning Board Members -
Transmittal of variance petitions for meeting of 5/14/98. DISPOSITION = Received and Filed
298. Larry T. Czechowicz to Supervisor and Town Board -
Commends Highway Superintendent and crew for prompt action re: drainage at 573 Lake Avenue. DISPOSITION = Received and Filed
299. Roy Schneggenburger et al to Town Board -
Re: Ineffective action by Town in enforcement of conditions of a dumping permit issued to Martin Rothschild for premises on west side of Bowen Road just south of Broadway
DISPOSITION = Received and Filed
300. Daniel Grabowski to Town Board -
Concerns re: southwest corner of Eastwood Village. DISPOSITION = Received and Filed
301. NYS Office of Real Property Services -
Comments re: 1998 Settlement Assessment for Consolidated Rail Corporation for Municipalities completing assessment updates. DISPOSITION = Assessor

302. EC Dept. Of Health to Supervisor and Town Board -
Approval of plans for waterline extensions on Trentwood Trail. DISPOSITION = Town Engineer
303. Peter Cooper to Supervisor -
Requests help to resolve a neighborhood issue. DISPOSITION = Town Engineer
304. NYSDOT To All NYS Residents:
Notice that the 1997/98 Update and Responsiveness Summary are available for review at the DEC headquarters in Albany. DISPOSITION = Received and Filed
305. Andrew Nowak to Town Board -
Transmittal of minutes of Mater Plan Meeting of 4/15/98. DISPOSITION = Received and Filed
306. ECDEP to Town Clerk -
Transmittal of *Guide to Planning and Zoning Laws of New York State*. DISPOSITION = Received and Filed
307. Disaster Coordinator to Supervisor -
Advisal of completion of Back Safety Program for Town employees. DISPOSITION = Received and Filed
308. Eric County Legislature's County-Municipal Regionalism Committee to Town Board -
Reminder of 1998 County-Municipal Regionalism Program Public Informational Meeting 4/27/98. DISPOSITION = Received and Filed
309. Town Attorney to Town Board -
Requests attention to direction of an Order Re: July, 1994 Sales and Use Tax Distribution. DISPOSITION = Received and Filed
310. Town Attorney to Building Inspector -
Comments Re: Two violations noted by his office. DISPOSITION = Planning Committee
311. Police Chief to Chairperson Public Safety Committee -
Recommends acceptance of bid for portable alternative light source. DISPOSITION = Received and Filed
312. Executive Director of Youth Bureau to Supervisor -
Recommends Lynn Piersa for position of tutor. DISPOSITION = Received and Filed
313. Phyllis Greco to Town Board -
Request for carry-over of vacation time. DISPOSITION = Received and Filed

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER MILLER AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 10:20 P.M.


Robert P. Thill, Town Clerk

Town Board Minutes

**Meeting
No. 13**

Regular Meeting

May 4, 1998